

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes each.

Mr. BREAUX. Mr. President, I will not take a great deal of time. I want to talk about the Medicare legislation that is pending in the Senate Finance Committee and the bill which my colleague, Senator CONNIE MACK of Florida, and I will be introducing today.

DEATH OF SEBASTIAN DASCHLE

Mr. BREAUX. Mr. President, I also extend my deepest sympathy and that of my family to our distinguished Democratic leader, Senator DASCHLE, and his family in their loss, and we wish them best wishes during this very difficult time they are undergoing. To the extent he can face the difficult obligations he has ongoing right now, we extend him the greatest sympathy from all of us on the Democratic side and the Republican side as well.

(The remarks of Mr. BREAUX pertaining to the introduction of S. 904 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BREAUX. Mr. President, I know others will be coming to speak and I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

Mr. KYL. I ask unanimous consent that I be allowed to speak in morning business for up to 10 minutes under the time of Senator COVERDELL.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGARDING MFN TO CHINA AND MILITARY BUILDUP

Mr. HUTCHINSON. Mr. President, as the House of Representatives begins the process of MFN disapproval today, I rise to once again voice my own strong opposition to the administration's proposed renewal of most favored nation status to China. The United States Ambassador to China, James Sasser, has recently stated—and of course Ambassador Sasser is a proponent, as a member of the administration, and he has favored MFN—but Ambassador Sasser said China's defense budget is growing. The Chinese themselves have announced an increase in that budget which will bring total defense outlays next year to \$10 billion and he says some suggest the amount is really closer to \$40 billion.

So there is nothing at all theoretical about China's military buildup. Even

the administration, even those who are saying we should continue most-favored-nation status trading status for China, will admit that there is a dramatic and drastic buildup of military capability in China.

Here is what we know about the Chinese military and its potential, based on the United States Government's own official estimates. The 1997 report by the Office of Naval Intelligence, entitled "Worldwide Challenges to Naval Strike Warfare 1997," is devoted almost entirely to rapid increases in Chinese capabilities with Iraq, North Korea, and Libyan capabilities covered almost as an afterthought. China, it informs us "is working on the development of at least six new tactical aircraft at a time when most nations are finding it difficult to finance even one." It continues, "Overall, the Chinese hope to 'leap' generations of technology with large investments in new air defense capability."

Mr. President, from Beijing, the words of China's military planners themselves, such as this analysis from a paper prepared for senior Chinese officials titled "Can the Chinese Army Win the Next War?" "While the conflict of strategic interests between China and the United States was overshadowed for a time by the tripartite great power relationship, it is now surfacing steadily since the breakup of the Soviet Union. China and the United States, focused on their respective economic and political interests in the Asia-Pacific region, will remain in a sustained state of confrontation."

That is coming from the Chinese Government, predicting a sustained state of confrontation. The evidence concerning a Chinese military buildup is clear, it is crystal clear. Whether this evidence comes straight from the administration that would renew MFN to China or from Beijing, how can we reward this regime with a most-favored-nation status? Many who regard themselves as free traders and who argue against linkage of trade through human rights or any other domestic circumstance would admit that when our own national security is involved, when national security is raised to an issue, then trading is a legitimate leverage and a legitimate tool for us to use as a Nation.

So apart from the abysmal human rights record, apart from the deplorable human rights conditions in China today, apart from the fact that human rights conditions in China have deteriorated over the last 5 years, in spite of all of that, we could look alone at the military buildup in China today and justify denial of most-favored-nation status for China.

I believe that China's chemical and nuclear exports are the most serious proliferation threat in the world today, and China has held that title at least for the past decade and a half. Since 1980, China has supplied billions of dollars worth of nuclear and missile technology to South Asia, South Africa, South America, and the Middle East. China has done so, Mr. President, in

the teeth of United States protests and despite repeated promises that they would stop.

The chemical and nuclear exports continue, and while they do, they make it impossible for the United States and the West to halt the spread of weapons of mass destruction, a trend that endangers everyone.

Mr. President, China has been the leading proliferator of nuclear weapons in the world. China gave Pakistan nearly everything it needed to make its first atomic bomb. In the early 1980's, China gave Pakistan a tested nuclear weapon design and enough high-enriched uranium to fuel it. Mr. President, this has to be one of the most egregious acts of nuclear proliferation in history. Then China helped Pakistan produce high-enriched uranium with gas centrifuges. Now, Mr. President, China is helping Pakistan build a reactor to produce plutonium for nuclear weapons, and helping Pakistan increase the number of its centrifuges so it can boost its production of high-enriched uranium.

If we grant MFN trading to China, we tacitly endorse the weapons of mass destruction, we support our enemies in their own military buildup, and last Mr. President we set a poor example as the leader of the free world.

This administration continues to forgive and to forget China for the abuse, the persecution, and the military buildup that it is continuing to employ. There is no reason to think that China's nuclear and chemical export patterns will change. I know the Presiding Officer is well aware of those trends and those practices in China today, but there is no evidence that those patterns will change as long as the United States follows its current policy of MFN trade status for China. China is now saying explicitly that it will not even talk to us about missile and chemical proliferation.

As I have stated before, Mr. President, on this floor, there must be some things more important than expanded trade opportunities, some things more important than the almighty dollar. Today, as the House begins the process of marking up most-favored-nation status disapproval resolution, I think it is the time for this institution to say we will not continue business as usual with China. The administration's lobbying efforts to grant MFN trading status to China will most assuredly intensify in coming days. We as a country and we as an institution must set an example for the world to follow. If we grant this regime MFN, we set, I think, a continued example only of appeasement.

Mr. President, I want to make one last point. The repressive Chinese Communist regime has established a blood-stained record of discrimination, detention, and death. The reeducation through labor camps are really no different at all from the old concentration

camps or the gulag. But people seem to know less, they seem to care less, in the case of China. Let this institution show that it, in fact, knows, and it, in fact, cares.

In my closing remarks I quote from an editorial that appeared in my hometown newspaper in Bentonville, AR, last week. The closing words of the editorial said this: "Every time you buy a product labeled Made in China, send up a prayer for Chinese Christians who must live each and every day in fear that their long-suffering faith will cost them their families and their lives."

Mr. President, I suggest it is past time that we stood as a Nation against the intolerable human rights record of the nation of China.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I have spoken on the floor many, many times about the pace of the Senate confirming judicial nominees. The distinguished Presiding Officer, my friend, has had to do double duty because he has had to listen to me do it in the Judiciary Committee, too, on occasion. I commend his equanimity and patience in listening to my remarks.

Mr. President, I urge all Senators, Republican and Democrat alike, to move forward on the confirmation of judicial nominees. This weekend, on one of the ubiquitous television talk shows, the distinguished majority leader said he intended to block action on all nominations except military nominees until President Clinton fills four seats on the Federal Election Commission. The distinguished majority leader, of course, has the right and power to control the calendar of the Senate. I have no question about that. But I hope he would reconsider this policy for all nominees, but especially for the Federal judiciary.

The distinguished majority leader has a concern with the President on the FEC. I am not going to get in the middle of that issue. Both sides claim they are moving forward with nominees. I have to assume the majority leader of the U.S. Senate has ways of bringing pressure to bear on the President of the United States without having to cripple the Federal judiciary or to do things that might appear, whether intended or not, to diminish the independence of the Federal judiciary.

For example, we have four non-controversial nominees at the moment in the Federal circuit and district courts. They should not get delayed in this political squabble. They enjoy

strong bipartisan support. They were unanimously reported to the full Senate by the Judiciary Committee with all Democrats and all Republicans on that committee voting for them. More importantly, they are desperately needed in the courts which they have been nominated.

Let me give an example. Alan Gold has been nominated to be a U.S. district court judge for the southern district of Florida. Now, this is a non-controversial nominee but it is also one desperately needed. He is an extremely well qualified nominee. The Judiciary Committee unanimously reported his nomination last month, and the Southern District Court of Florida desperately needs him to help manage its growing backlog of cases. This is in a district that has one of the fastest-growing populations in this country. In fact, during his confirmation hearing, the distinguished Republican Senator from Florida, Senator MACK, told the Judiciary Committee, "This appointment comes at a critical time for south Florida. The Supreme Court's recent decision in *Lenz versus Mathis* has resulted in the early release of hundreds of violent criminals back on the streets and brought about a crisis of confidence in the safety of our neighborhood. This unsettling feeling made it especially critical for South Florida to have a full complement of the judges administering the laws to fight violent crime."

We first received Alan Gold's nomination in February of this year. The President nominated him for a vacancy on the district court for the southern district of Florida. This vacancy existed since shortly after the elections last year. He has the support of both Senator GRAHAM and Senator MACK.

He had a hearing on May 7. The Judiciary Committee reported his confirmation to the full Senate on May 22. This is the way the judicial confirmation process should work. The position had been open only a few months. The Senate was out at the time the vacancy occurred. Shortly after the elections, the President moved quickly with a nominee that had strong bipartisan support for his home State senators. The Judiciary Committee moved very quickly, and the nomination passed out unanimously. We know that there is a major need for a judge there. Alan Gold's nomination is now pending on the Senate calendar, awaiting action on the Senate floor. This process should not become entangled in partisan squabbling.

Instead, we should look at the one branch of our Government that is supposed to be nonpartisan—the judiciary—and not allow the Federal judiciary to be caught up in partisan squabbling of Senators or with the White House. We should move this nomination through the Senate very quickly.

Another example of a judicial nomination that we should move quickly is in the northern district of Georgia, where Thomas Thrash, Jr., has been

nominated to be a U.S. district judge. We unanimously reported his nomination to the Senate last month, on May 22. But this is also a district—the northern district of Georgia—there in the eleventh circuit that desperately needs Thomas Thrash to help manage a growing backlog of cases.

Now, we received his nomination in May 1996—over a year ago. He was accorded a hearing last Congress, on July 31, 1996. But his nomination got caught in the election year freeze, which said we will not move nominations after a certain time in a Presidential election year. The President nominated him on the first day of this Congress for the same vacancy. That vacancy has existed since March of 1996, for over a year. He had a confirmation hearing on May 7. He was supported by both Senator CLELAND and Senator COVERDELL, one Democrat and one Republican from Georgia, and was reported to the Senate by the Judiciary Committee 2 weeks later. Now, this is not a case that should be held up because of a partisan squabble.

Also pending on the calendar is Eric Clay to be a circuit judge for the sixth circuit, another noncontroversial, well-qualified nominee. The Judiciary Committee unanimously reported his nomination to the Senate on May 22 of this year. Now, the sixth circuit desperately needs help in managing a growing backlog of cases. They have three vacancies, two of which have been designated judicial emergencies by the Judicial Conference of the United States. I mention the judicial emergencies, Mr. President, because this is not a case of some mere debating point; this is the Federal judiciary of this country with emergencies, where they need judges, where we could confirm the judges, and, frankly, the U.S. Senate is not doing its job.

We first received Eric Clay's nomination in March 1996. He was accorded a hearing on March 26, 1996. He was reported unanimously by the Judiciary Committee to the Senate on April 25, 1996. And now, more than a year later, we are still waiting for him to be confirmed. Now, Eric Clay has the strong support of both Senator LEVIN and Senator ABRAHAM, one Republican and one Democrat. We ought to confirm this judge for the sixth circuit.

We also have Arthur Gajarsa's nomination to be U.S. circuit judge for the Federal circuit on the calendar. We first received his nomination in April—not April 1997, but April 1996. His nomination was passed unanimously by the Judiciary Committee back in June of last year. Now he is back here again, passed unanimously again. He ought to be confirmed quickly.

We also have the nomination of Margaret Morrow for the U.S. District Court for the Central District of California on the Senate calendar. She is another well-qualified nominee. Ms. Morrow is the first woman president of the California Bar Association and the Judiciary Committee unanimously approved her nomination last year, but